

1 COOLEY LLP  
2 MATTHEW D. BROWN (196972)  
(brownmd@cooley.com)  
3 BETHANY C. LOBO (248109)  
(blobo@cooley.com)  
4 YUHAN ALICE CHI (324072)  
(achi@cooley.com)  
5 ERIK LAMPMANN-SHAVER (362460)  
(elampmannshaver@cooley.com)  
6 3 Embarcadero Center, 20th Floor  
7 San Francisco, California 94111-4004  
Telephone: +1 415 693 2000  
Facsimile: +1 415 693 2222

8 NAOMI HARRALSON MAY (291462)  
(nmay@cooley.com)  
9 NACHI A. BARU (345978)  
(nbaru@cooley.com)  
10 10265 Science Center Drive  
11 San Diego, CA 92121-1117  
Telephone: +1 858 550 6000  
12 Facsimile: +1 858 550 6420

13 Attorneys for Defendant  
14 RENAISSANCE LEARNING, INC.

15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA  
17 SOUTHERN DIVISION - SANTA ANA

18 NICOLE REISBERG, on behalf of her  
19 minor children M.C. 1 and M.C. 2,  
20 individually and on behalf of all others  
similarly situated,

21 Plaintiff,

22 v.

23 RENAISSANCE LEARNING, INC.,

24 Defendant.

Case No. 8:25-cv-01379-FWS-JDE

**DECLARATION OF BETHANY LOBO  
UNDER LOCAL RULE 7-3 IN SUPPORT  
OF DEFENDANT RENAISSANCE  
LEARNING, INC.'S MOTION TO  
DISMISS**

1 I, Bethany Lobo, hereby declares as follows:

2 1. I am Of Counsel at the law firm of Cooley LLP and counsel for  
3 Defendant Renaissance Learning, Inc. (“Renaissance”) in this matter. I have  
4 personal knowledge of the facts stated in this Declaration and, if called as a witness,  
5 I could and would testify competently to them.

6 2. Plaintiff Nicole Reisberg (“Reisberg” or “Plaintiff”) filed the initial  
7 complaint in this matter on June 26, 2025. (ECF No. 1). The Court set a deadline of  
8 September 4, 2025 for Renaissance to file its motion to dismiss the complaint. (ECF  
9 No. 25).

10 3. Pursuant to the obligations imposed by Central District of California  
11 Local Rule 7-3, on August 28, 2025, seven days prior to Renaissance’s filing  
12 deadline, counsel for Renaissance met with Plaintiff’s counsel to discuss  
13 Renaissance’s forthcoming motion to dismiss.

14 4. During the meeting, counsel for Renaissance informed Plaintiff’s  
15 counsel that Renaissance would be seeking dismissal with prejudice of all eleven  
16 causes of action in Plaintiff’s complaint, as Renaissance believed the allegations in  
17 Plaintiff’s complaint were insufficient to support any of her claims. Renaissance’s  
18 counsel outlined the bases on which Renaissance would seek dismissal in  
19 considerable detail.

20 5. Plaintiff’s counsel maintained their position that all of Plaintiff’s causes  
21 of action were adequately supported by the factual allegations in the complaint. They  
22 stated that Plaintiff would not be withdrawing or narrowing any of her causes of  
23 action.

24 6. Renaissance also affirmed it would not waive or withdraw any of its  
25 motion to dismiss arguments.

26 7. Renaissance understands from the meet and confer that Plaintiff does  
27 not intend to argue that her Section 1983 claims (Counts I and II) sufficiently allege  
28 that Renaissance is a state actor under the governmental compulsion test or the

1 governmental nexus test.

2 I declare under penalty of perjury that the foregoing is true and correct.

3 Executed this 4<sup>th</sup> day of September, 2025, in San Francisco, California.

4  
5 

6 Bethany Lobo